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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,984	01/14/2004	Robert Ian Hedley		3724

7590 05/06/2005

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EXAMINER

ADAMS, GREGORY W

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/756,984

Applicant(s)

HEDLEY ET AL.

Examiner

Gregory W. Adams

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 14-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 14-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention: loading trailer, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 13, 2005.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether applicant is claiming a tow hitch assembly or a tow hitch assembly in combination with a trailer.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-4, 8-9 & 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US 5,435,586).

With respect to claim 1, Smith discloses a tow hitch assembly 10 including a tow hitch arm 10, first attachment means 9 for pivotally and rotatably attaching a tow hitch

arm first end to a towing vehicle, second attachment means 11 for coupling a tow hitch arm second end to a load, positioning means 83, 83, and lifting means 23.

With respect to claim 3, Smith discloses a second attachment means 11 that includes a hook 37.

With respect to claim 4, Smith discloses a second attachment means 11 that includes a locking mechanism 31.

With respect to claim 8, Smith discloses a tow hitch arm 10 which includes a positioning means supporting member 75 which moves a tow hitch arm 10.

With respect to claim 9, Smith discloses a positioning means 83, 83 that includes pistons 83, 83 for moving a positioning means supporting member 75.

With respect to claim 11, Smith discloses a tow hitch assembly 10 further including a towing member 31 which attaches to a tow hitch arm second end 10 and couples to a vehicle. Col. 4, Ins. 55-57.

With respect to claim 12-13, Smith discloses a trailer 93 that includes a recess which receives a second attachment means 11 and including an anchor 91 which engages a second attachment means 11.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,435,586) in view of Evans (US 5,040,815). Smith discloses a locking pin arrangement, and does not disclose a ball and socket joint. Referring to FIG. 9 Evans teaches a first attachment means 11, 13 which includes a ball 13 and socket joint 11 to provide a tractor-trailer, enabling the tractor to be connected to the trailer under misalignment conditions of pitch, roll and yaw, and additionally to permit such connection to be made even though the vertical reference between the two may vary substantially because of a grossly uneven surface upon which they rest. Col. 1, Ins. 15-24. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the first attachment means of Smith to include a ball and socket attachment means, as per the teachings of Evans, to provide a tractor-trailer, enabling the tractor to be connected to the trailer under misalignment conditions of pitch, roll and yaw, and additionally to permit such connection to be made even though the vertical reference between the two may vary substantially because of a grossly uneven surface upon which they rest.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,435,586) in view of Brockman (US 3,066,954). Smith does not disclose a slots and locking bars. Brockman teaches a second attachment means 25 which includes slots 48 receiving a pair of locking bars 33 to securely fasten a second attachment means 25 to a load to provide for attachment of a tow hitch arm 25 to a trailer and tractor without the need for a damage prone winch and making it easier for a user. Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the second attachment means of Smith to include slots for locking bars, as per the teachings of Brockman, to provide for attachment of a tow hitch arm to a trailer and tractor without the need for a damage prone winch and making it easier for a user.

9. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,435,586) in view of Tracey (US 2,934,230). Smith does not disclose a hydraulic ram which extends from a tow hitch arm to engage the ground. Tracey teaches a hydraulic ram 35, 36 which extends from a tow hitch arm 2 to engage a ground beneath a load for elevating a tow hitch arm and low bed trailer during connecting. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lifting means of Smith to include a hydraulic ram which engages the ground beneath a load, as per the teachings of Tracey, to elevate a tow hitch arm and low bed trailer during connecting.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,435,586) in view of Tweedy (US 3,432,184). Smith does not disclose a third piston arrangement. Tweedy teaches a positioning means 21-27 which includes a first piston arrangement 21 and a third piston arrangement 23 connected between supporting member opposite ends 26 and a base member 12, 13, and a second piston arrangement 26 connected between a base member 12, 13 and a third piston arrangement cylinder 23. Tweedy teaches tow hitch assembly including a positioning means to move a tow hitch arm 14 universally, aligning an arm with the object to be towed by a tractor 10. Therefore, it would have been obvious to one having ordinary skill

in the art at the time the invention was made to modify the positioning means of Smith to first, second, and third piston arrangements, as per the teachings of Tweedy, to move a tow hitch arm 14 universally, aligning an arm with the object to be towed by a tractor 10.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,321,851 for Weiss et al.

US 6,425,927 for Haupt-Stephan et al.

US 5,040,815 for Evans

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



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